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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,395	06/30/2000	Per-Ake Larson	MS1-479US	9668
22801	7590	01/03/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/608,395

Applicant(s)

LARSON ET AL.

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/19/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9, 11, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in response to amendment filed on 10/19/05.

#### ***Response to Arguments***

Applicant's arguments, have been fully considered and are persuasive. The previous of the objections has been withdrawn.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6, 7 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

whether the invention produces a useful, concrete, and tangible result.

In the present case, claim 1 only recites an abstract idea. The recites steps of merely for processing a database query and the steps does not apply, involve, a useful, concrete, and tangible result since all the recited steps can be performed in the mind of the user or by use of a pencil an paper. These steps only constitute an idea of how to construct and issuing a processing a database query.

#### ***Double Patenting***

Claims 1-6, 8, 9, 1125 and 25 provisionally rejected on the ground of nonstatutory double patenting over claims 1-25 of copending Application No.

11/0823390. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a method and a relational database computer program stored on a computer-readable medium for processing database query comprising: partially pre-aggregating records in a database according to a single grouping column to provide a result that contains at least two records having like grouping column values; aggregating records derived from the partial pre-aggregation to provide a results that contains records having unique grouping column values.

Claims 1-6, 8, 9, 1125 and 25 provisionally rejected on the ground of nonstatutory double patenting over claims 1-10 of copending Application No. 11/0823392. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a method and a relational database computer program stored on a computer-readable medium for processing database query comprising: partially pre-aggregating records in a database according

to a single grouping column to provide a result that contains at least two records having like grouping column values; aggregating records derived from the partial pre-aggregation to provide a results that contains records having unique grouping column values; estimating the costs and benefits of the partial pre-aggregation, and partially pre-aggregating the records only if the estimating indicates that the benefits are greater than the costs.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11 and 24 are rejected under 35 U.S.C. 103(a) as being obvious over Hoa et al. (US 6282541) Hoa in view of Agrawal et al. (US 5832475) (Agrawal).

In consideration of claim 1 , Hoa discloses: A method and computer program for processing a database query comprising: Partially pre-aggregating (early aggregation) records (fields) in a database according to a single<sup>1</sup> to provide a result that contains at least two records having like grouping column value (col. 9, lines 28 to col. 10, lines 22, Hoa);

aggregating records derived from the partial pre-aggregation to provide a result that contains records having unique grouping column values (col. 13, lines 37-67, Hoa).

However, Hoa didn't disclose: estimating the costs and benefits of the partial pre-aggregation and partially pre-aggregating the records only if the estimating indicates that the benefits are greater than the costs. On the other hand, Agrawal discloses: estimating the costs and benefits of the partial pre-aggregation and partially pre-aggregating the records only if the estimating indicates that the benefits are greater than the costs (col. 15, lines 1 to col. 16, lines 19, Agawam). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for estimating the costs and benefits of the partial pre-aggregation and partially pre-aggregating the records only if the estimating indicates that the benefits are greater than the costs in the system of Hoa as taught by Agawam. The motivation being to enable the system provided a number of statistical estimation procedures for estimating the number of distinct values for each Group-by, limit the time for the query step.

Regarding claim 2, all the limitations of this claim have been rejected in claim 1 in addition, Hoa/Agrawal discloses: wherein the partially pre-aggregating further comprises: maintaining a record store in memory, the record store having one record for each different grouping column value encountered in the operation (col. 5, lines 41-60, Hoa);

receiving a new record (col. 13, lines 37-67, Hoa); combining the new record with a record having the same grouping column value, if such a record exists (col. 13, lines 37-67, Hoa); and adding the new record to the record store in the memory if there is no

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<sup>1</sup> A single grouping column as a distinct key .

record in the record store that has the same grouping column value as the new record (col. 13, lines 37-67, Hoa).

Regarding claim 11, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition Hoa/Agawam discloses: computer programmed to perform the method recited in claim 1 (see col. 4, lines 30-39, Hoa).

Regarding claim 24, most of the limitations of this claim have been noted in the rejection of claims 1 and 2. In addition, Hoa/Agawam discloses: executable instructions (see Fig. 7 and corresponding text, Hoa), when executed on a computer, perform the following steps: receiving a stream of input records (col. 5, lines 41-60, Hoa); aggregating each input record in the stream as it is received to create a record store (see col. 6, lines 7-21, Hoa).

Outputting the records in the record store after the join (col. 6, lines 54-60, Hoa); Aggregating the records output from the join (col. 6, lines 54-60, Hoa); And

Determining if it is optimal to aggregate the input records prior to performing the join (col. 7, lines 44 to col. 8, lines 2, Agawam; performing the aggregation prior to the join only if a determination is made that is optimal to perform an aggregation prior to the join (col. 7, lines 44 to col. 8, lines 2, Agawam)

Wherein the records output from the join include at least two records that have an identical grouping column value in the single grouping column (col. 9, lines 28 to col. 10, lines 25, Hoa).

Claim 3-6, 8, 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoa (U.S. 6,282,541) in view of Agrawal et al. (U.S. 5,832,475) (Agrawal) and further in view of Sharma et al. (U.S. 5,511,190) (Sharma).

As per claim 3, the limitations of this claim have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, However, Hoa/Agrawal didn't disclose: adding additional new records to the record store until the record store reaches a capacity such that it can accept no new records. On the other hand, Sharma discloses: adding additional new records to the record store until the record store reaches a capacity such that it can accept no new records (see col. 10, lines 60 to invention was made, it would have been obvious to a person of ordinary skill in the art to include a method of processing the query steps of aggregation using hashing and partitioning to process until there is no more free space in memory in Hoa/Agrawal, as taught by Sharma. The motivation being to have enabled a user to provide a method and system in a computer system to identify grouping column contents into a result value for the identified grouping column contents reducing the disk access overhead incurred in performing the aggregation.

Regarding claim 4, the limitations of this claim have been noted in the rejection of claim 3. Applicant's attention is directed to the rejection of claim 3 above. In addition, Hoa/Agrawal/Sharma discloses: wherein after the one or more records have been output to the subsequent database operator, the adding and outputting are repeated until there are no new records to process (see col. 11, lines 46-55, Sharma).



Regarding claim 5, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Hoa/Agrawal /sharma discloses: wherein any records remaining in the record store after there are no new records to process are output to the subsequent database operator (327, fig. 3, Sharma).

Regarding claim 6, the limitations of this claim have been noted in the rejection of claim 3. Applicant's attention is directed to the rejection of claim 3 above. In addition, Hoa/Agrawal/sharma discloses: wherein the subsequent database operator is a join (group procedure in fig. 3, Sharma).

Regarding claim 8, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition Hoa/Agawam/sharma discloses: wherein the partially pre-aggregating includes utilizing a hashing function (see col. 10, lines 1-6, Sharma).

Regarding claim 9, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition Hoa/Agrawal /sharma discloses: wherein the partial pre-aggregating creates a record store in memory, and wherein the method further comprises utilizing the record store in memory for one or more other database operators (aggregation, col. 11 , lines 1-12, Sharma).

As per claim 25, all the limitations of this claim have been noted in the rejection of claims 3 and 24, above. It is therefore rejected as set forth above.

**1. Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen  
December 26, 2005



MOHAMMAD ALI  
PRIMARY EXAMINER